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IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

Letter dated 10 February 1994 from the acting head of the delegation of the Russian Federation to the Commission on Human Rights at its fiftieth session addressed to the Chairman of the Commission

I have the honour to transmit to you herewith the letter of the Holy Synod of The Russian Orthodox Church related to some problems of the Orthodox Church in Estonia and to ask you to circulate this letter as an official document of the fifteith session of the United Nations Commission on Human Rights.

(Signed) Viatcheslav BAKMIN

Allow me to draw your attention to some problems that have arisen in relations between the Estonian Apostolic Orthodox Church and the government authorities in the Republic of Estonia.

The Estonian Apostolic Orthodox Church, which has spiritual care of orthodox Christians of Estonian, Russian and other nationality, belongs to the Moscow Patriarchate, while enjoying broad independence in matters of internal administration. An absolute majority of Orthodox believers in Estonia belong to this Church.

The Orthodox communities that have existed on Estonian soil from days of old have always come within the jurisdiction of the Russian Church. In 1920 Patriarch Tikhon of Moscow and All Russia gave the Estonian Orthodox Church independence in matters relating to church economic, church administrative, school and educational and church civil affairs. From 1923 onwards, the Estonian Apostolic Orthodox Church was under the jurisdiction of the Constantinople Patriarchate. The dependence of the Estonian Apostolic Orthodox Church on the Constantinople Patriarchate was said by the latter to be necessary because it was impossible for Estonian Orthodoxy to have relations with the Russian Orthodox Church. It was assumed that such dependence would come to an end when normal relations were re-established between the Estonian Apostolic Orthodox Church and the Moscow Patriarchate.

In 1940 Estonia's Orthodox Christians came under the jurisdiction of the Moscow Patriarchate. However, the Charter of the Estonian Apostolic Orthodox Church, registered by it in 1935, was not rescinded. The situation that prevailed in the post-war years with regard to the administration of the Russian Orthodox Church was taken as being temporary, but the state of affairs in the former USSR did not permit a full return to forms of relationship between the Moscow Patriarchate and the Estonian Church that would have fitted into the framework of the 1935 Charter. That became possible after the adoption in 1988 of the Charter on the Administration of the Russian Orthodox Church (which, it must be stressed, did not abrogate the EAOC Charter of 1935) and the political events that followed, leading to the breakup of the USSR and the restoration of Estonia's independence and sovereignty.

In 1992 the Holy Synod of the Russian Orthodox Church took a decision confirming the independence of the EAOC in its internal administration. In April 1992 the clergy and lay representatives of this Church unanimously declared their support for maintaining the independence of the Estonian Church within the Moscow Patriarchate.

In 1947 some clergymen who had emigrated from Estonia set up the "Synod of the Estonian Apostolic Orthodox Church" in Stockholm. It had no ties with Estonia and in practice did nothing. It is at present made up, contrary to Orthodox canon law, of priests and laity without any bishops.

On 11 August 1993 the Department of Religious Affairs of the Estonian Ministry of Foreign Affairs registered the Charter of the Estonian Apostolic Orthodox Church submitted for registration by the "overseas" Synod of the EAOC. On 25 November the Department of Religious Affairs refused to register the Charter of the Estonian Apostolic Orthodox Church which is actually in Estonia and comes within the jurisdiction of the Moscow Patriarchate. The reason given for the refusal was that a document with the same title had already been registered. This decision by a government body in practice puts the "overseas" Synod in the position of being the sole successor of the pre-war EAOC, which will lead, and is already leading, to gross violations of the principles of Orthodox church organization and to disregard of the rights of believers belonging to the EAOC - Estonians, Russians and representatives of other peoples wishing to be not merely loyal citizens of their own country but also loyal children of their Mother Church. This decision may also result in the believers belonging to the EAOC being deprived of their churches. As a result there may be conflicts over the ownership of church buildings. No one can foresee where such conflicts might end. The problem is aggravated by the fact that under the above-mentioned decision all EAOC property can be handed over to the "overseas" Synod. This will deprive the EAOC of its main source of financial support, with all the consequences that implies.

It has to be stressed that the refusal to register the Charter of the Estonian Apostolic Orthodox Church belonging to the Moscow Patriarchate cannot be regarded as anything but interference by the State in church affairs with a view to transferring property rights from the Church to which almost all Orthodox communities in Estonia belong and which has not ceased to tend the spiritual needs of its flock even in the most difficult years to a group founded by emigre clergy and their few followers in Estonia. By refusing to register the Charter of the EAOC, the Department of Religious Affairs was in practice trying to predetermine the "overseas" Synod's right of succession to the pre-war EAOC, in which it was acting outside its powers and invading the sphere of the judicial authorities.

One result of the above-mentioned decision by the Department of Religious Affairs has been that some clergymen, under pressure from the authorities, and being afraid to lose the church buildings in their parishes, have declared themselves ready to leave the jurisdiction of the EAOC. Thus, the danger of a schism in the Church provoked by the State has become a reality. If this schism affects the broad masses of the faithful, it will lead to profound divisions in Estonian society based on nationality and church jurisdiction.

The spiritual leaders of the Russian Orthodox Church are convinced that the only church institution entitled to be called the Estonian Apostolic Orthodox Church and to be the successor of the pre-war Orthodox Church in Estonia is the Estonian Apostolic Orthodox Church headed by the Bishop of Tallian and All Estonia. Here it must be stressed in particular that the EAOC, being independent in its internal administration, differs from the Church that registered its Charter in 1935 solely by the fact that in its services it mentions in its prayers the name of the Moscow Patriarch.

I would ask you, Mr. Chairman, to use your authority and influence to bring this matter before the United Nations Commission on Human Rights and to prevent the lawful rights of EAOC believers from being disregarded.

I take this opportunity to wish you good health and every prosperity. May God help you in your work.

Yours faithfully,

[Signature illegible]
Chairman, External Church Relations Section,
Moscow Patriarchate,
Metropolitan of Smolensk and Kaliningrad

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